

CHAPTER NO. 203

SENATE BILL NO. 1609

By Clabough, McNally

Substituted for: House Bill No.1125

By Scroggs, Boyer, Dunn, Sargent

AN ACT To amend Tennessee Code Annotated, Section 50-5-102, to make it unlawful to employ a minor under the age of 16 or to engage such a minor who is self-employed to sell goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations, subject to certain exemptions, and to impose a penalty of \$1,000 to \$10,000 for each violation thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-5-102, is amended by adding the following new subsection and appropriately renumbering the remaining subsections:

(_) "Youth peddling" means the selling of merchandise by a minor under the age of 16 to customers at the customer's residence, at a customer's place of business, or in public places such as street corners or public transportation stations. The term "youth peddling" does not include the activities of individuals who are self-employed or who volunteer to sell goods or services on behalf of not-for-profit organizations or governmental entities or for school functions.

SECTION 2. Tennessee Code Annotated, Section 50-5-106, is amended by adding the following new subsection and by renumbering the remaining subsections appropriately:

(_) Occupations involved in youth peddling.

SECTION 3. Tennessee Code Annotated, Section 50-5-112(b), is amended by adding the words "of subsection (a)" between the words "any violation" and "continues after".

SECTION 4. Tennessee Code Annotated, Section 50-5-112, is further amended by adding the following new subsections:

(_) Any person who engages a minor under the age of 16 in youth peddling and transports such minor more than five (5) miles from the minor's residence shall, at the discretion of the commissioner, be subject to a penalty of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) if evidence of two (2) or more of the following factors is present:

(1) The minor is working more than three (3) hours a day on school days;

(2) The minor is working more than eighteen (18) hours a week during a school week;

(3) The minor is working more than eight (8) hours a day on nonschool days;

(4) The minor is working more than forty (40) hours a week during nonschool weeks;

(5) The minor is working after seven o'clock p.m. (7:00 p.m.) if the next day is a school day; or

(6) The employer fails to comply with the recordkeeping requirements of Section 50-5-111.

(_) Each instance of a minor under the age of 16 working in violation of the youth peddling provisions of this chapter shall be considered a separate violation.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 12, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of May 1999


DON SUNDQUIST, GOVERNOR